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OFFICE OF PETITIONS

In re Application of
Jamieson, et al.
Application No. 10/789,114
Filed: February 26, 2004
Attorney Docket No. 21220/04179
For: SYSTEM AND METHOD OF
IDENTIFYING AN OBJECT IN A LASER
BEAM ILLUMINATED SCENE BASED
ON MATERIAL TYPES

DECISION GRANTING
PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed February 22, 2005 (certificate of mailing date February 17, 2005), requesting, in effect, partial withdrawal of the Notice to File Missing Parts of Nonprovisional Application (Notice) insofar as it alleges that Figures 11-13 described in the specification were omitted.

The application was filed on February 26, 2004. On January 21, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that Figures 11-13 described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that Figures 11-13 be accorded a filing date of February 26, 2004 on the basis that 11 pages of drawing figures, including Figures 11-13, were received in the Patent and Trademark Office (PTO) on February 26, 2004. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing February 26, 2004 as the date of receipt. The postcard lists, *inter alia*, that the filing included 11 pages of drawings.

The return postcard constitutes *prima facie* evidence that 11 pages of drawing figures were filed on February 26, 2004. MPEP 503. A review of the originally filed pages of drawings reveals that only 9 pages are present. Accordingly, the request is granted.

Pursuant to petitioners' authorization, the \$400.00 petition fee will be credited to deposit account no. 03-0172.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **February 26, 2004**, using the 2 pages of drawing figures submitted with the instant petition. Office records will be corrected to show that 11 pages of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, appearing to read "E. Shirene Willis". The signature is fluid and cursive, with a large initial "E" and a stylized "W".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions